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BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF )  
CRAIG BUNNEY dba CRAIG )  
BUNNEY CONSTRUCTION, INC., )  
Appellant, )  
v. )  
PUGET SOUND AIR POLLUTION )  
CONTROL AGENCY, )  
Respondent. )

PCHB No. 77-147

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

This matter, the appeal of a \$100 civil penalty, came before the Pollution Control Hearings Board, W. A. Gissberg, Chairman, and Dave J Mooney in Seattle on December 16, 1977.

Appellant was represented by Alex Emme, an employee; respondent was represented by its attorney, Keith D. McGoffin.

Having heard the testimony and having examined the exhibits, the Board makes these

FINDINGS OF FACT

Pursuant to RCW 43.21B.260, <sup>I</sup>respondent has filed with the

1 Board a certified copy of its Regulation I and amendments thereto  
2 which are noticed

3 II

4 Appellant is in the business of building single and multi-family  
5 residences and was so engaged at all times here relevant

6 III

7 On August 30, 1977 in response to a complaint from the Mukilteo  
8 Fire Department, respondent's inspector visited appellant's  
9 construction site near 5100-83rd S E. Street in Everett and there  
10 observed an open fire about 10 feet in diameter. The remains of the  
11 fire contained pieces of 2 x 4 lumber, plasterboard, wire,  
12 "2-1/2 gallon" containers, and empty caulking compound containers.  
13 On September 1, appellant's president was contacted and was issued  
14 a notice of violation. He admitted that the fire was their's but  
15 mistakenly thought that a land clearing permit, earlier secured for  
16 its nearby property. allowed the instant fire. Respondent's inspector  
17 then explained the burning provision of Regulation I to appellant's  
18 president Respondent thereafter assessed a \$100 civil penalty for  
19 the violation from which came this appeal.

20 IV

21 Appellant has no previous record of violations of Regulation I.

22 V

23 Any Conclusion of Law which should be deemed a Finding of  
24 Fact is hereby adopted as such

25 From these findings, the Pollution Control Hearings Board makes  
26 these

27 FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

CONCLUSIONS OF LAW

I

On August 30, 1977 appellant violated Section 8.02(3) of Regulation I by causing an outdoor fire which contained "garbage". The \$100 civil penalty assessed pursuant to Section 3.29 is reasonable in amount under the circumstances, and should be affirmed. Because this is appellant's first violation and it assures us that the offense will not occur again, we believe that the entire penalty should be suspended

II

Any Finding of Fact which should be deemed a Conclusion of Law is hereby adopted as such.

From these conclusions, the Board enters this

ORDER

The \$100 civil penalty is affirmed, provided however, that the entire civil penalty is suspended on condition that appellant not violate respondent's Regulation I for a period of one year after the date of this Order.

DATED this 19<sup>th</sup> day of December, 1977.

POLLUTION CONTROL HEARINGS BOARD

  
W. A. GISSBERG, Chairman

  
DAVE J. MOONEY, Member

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER